

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:  
Charles Cameron LINDQUIST

For: LOCAL AND REMOTE MONITORING  
USING A STANDARD WEB  
BROWSER

Filed: October 23, 2001

Serial No.: 09/868,417

Examiner: Christopher D. Biagini

Art Unit: 2442

Confirmation Number: 1411

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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on **May 10, 2010**

Signature: /Aaron Grunberger/  
Aaron Grunberger

**APPEAL BRIEF TRANSMITTAL**

SIR:

Transmitted herewith for filing in the above-identified patent application, please find an Appeal Brief pursuant to 37 C.F.R. § 41.37. Applicant hereby petitions for a five-month extension of time extending the due date for submitting the Appeal Brief from December 8, 2009 to May 10, 2010 (May 8, 2010 was a Saturday).

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 41.20(b)(2) appeal brief filing fee of **\$270.00 (small entity)**, as well as the five-month extension fee of **\$1,175.00 (small entity)**, and any additional fees associated with this communication, to the deposit account of **Kenyon & Kenyon LLP's**, deposit account number **11-0600**.

Respectfully submitted,

Dated: May 10, 2010

By: /Aaron Grunberger/  
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**APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37**

SIR:

On October 8, 2009, Appellant submitted a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated April 9, 2009 in the above-identified patent application.

In accordance with 37 C.F.R. § 41.37, this brief is submitted in support of the appeal of the final rejection of claims 59 to 61, 63 to 120, 123, and 124. For at least the reasons set forth below, the final rejection of claims 59 to 61, 63 to 120, 123, and 124 should be reversed.

**1. REAL PARTY IN INTEREST**

The real party in interest in the present appeal is Portus Singapore PTE Ltd. (Portus) of Singapore, which is the assignee of the entire right, title and interest in the present application.

**2. RELATED APPEALS AND INTERFERENCES**

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellant or the assignee, Portus, “which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.”

**3. STATUS OF CLAIMS**

Claims 1 to 58, 62, 121, and 122 have been canceled.

Claims 59 to 61, 63 to 120, 123, and 124 stand rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement.

Claims 59, 64 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent no. 6,271,752 (“the Vaios reference”), U.S. Patent no. 6,061,650 (“the Malkin reference”), and U.S. Patent no. 6,453,348 (“the Barnier reference”).

Claims 60, 61, 63, 75, 85, and 86 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,496,862 (“the Akatsu reference”).

Claims 69 to 71, 84, 107, 108, and 119 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,044,349 (“the Tolopka reference”).

Claim 72 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,948,059 (“the Woo reference”).

Claim 73 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,014,746 (“the Krehnke reference”) and U.S. Patent No. 5,809,311 (“the Jones reference”).

Claim 74 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Krehnke reference.

Claim 77 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,668,929 (“the Foster reference”).

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Claims 82 and 90 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,178,413 (“the Nakamura reference”).

Claim 83 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,940,074 (“the Britt reference”).

Claim 87 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,032,202 (“the Lea reference”).

Claim 95 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,497,430 (“the Sadovnik reference”).

Claims 96 to 100 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,445,694 (“the Swartz reference”).

Claim 101 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,108,300 (“the Coile reference”).

Claim 103 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,088,330 (“the Bruck reference”).

Claim 106 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,649,014 (“the Koopman reference”).

Claims 111, 115, and 116 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,892,758 (“the Argyroudis reference”).

Claim 118 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 6,243,596 (“the Kikinis reference”).

Claim 120 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references, in further view of U.S. Patent No. 5,956,487 (“the Venkatraman reference”).

Claim 124 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios and Malkin references.

Appellant appeals from the final rejection of claims 59 to 61, 63 to 120, 123, and 124.

A copy of the appeal claims, *i.e.*, claims 59 to 61, 63 to 120, 123, and 124, is attached hereto in the Claims Appendix.

#### **4. STATUS OF AMENDMENTS**

In response to the Final Office Action dated April 9, 2009, Appellant submitted a Response dated September 9, 2009. However, the Response did not contain any amendments.

#### **5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The presently claimed subject matter of independent claim 59 relates to a system for remote access of environments. *Specification*, e.g., at p. 1, ll. 4-5; and *Drawings*, e.g., Fig. 1, elements 15 and 26. The system includes an Internet browser. *Specification*, e.g., at p. 7, ll. 15-18; and *Drawings*, e.g., Fig. 1, element 15. The system further includes an extranet located external to said environments and accessible via said Internet browser. *Specification*, e.g., at p. 7, l. 24 – p. 8, l. 7, p. 8, ll. 13-15, and p. 9, ll. 3-6; and *Drawings*, e.g., Fig. 1, elements 15, 17, and 26. The system further includes a plurality of connection gateways, each of said environments having located therein a different one or more of said connection gateways. *Specification*, e.g., Abstract and at p. 9, ll. 7-29; and *Drawings*, e.g., Fig. 1, elements 22 and 26. The system further includes at least one communications server located in said extranet and adapted to interconnect on-demand with said connection gateways. *Specification*, e.g., at p. 2, l. 32 – p. 3, l. 7; and *Drawings*, e.g., Fig. 1, elements 21 and 22. Responsive to accessing a predetermined address by said Internet browser on said extranet, in which accessing said Internet browser provides authorization data, one of said at least one communications server subsequently determines which one of said environments said authorization data indicates authority to access. *Specification*, e.g., Abstract and at p. 3, ll. 4-

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6, p. 3, ll. 14-15, p. 8, ll. 11-12, p. 9, ll. 7-9, p. 9, ll. 17-24, p. 9, ll. 28-29, and p. 12, ll. 20-21; and *Drawings*, e.g., Fig. 1, elements 14, 18, 19, 21, and 26. Responsive to the accessing of the predetermined address by said Internet browser on said extranet, in which accessing said Internet browser provides authorization data, the one of said at least one communications server subsequently also creates a new communications session between said communications server and one of said connection gateways, which is located in said environment, to control or monitor operation of at least one service in said environment, with said connection gateway subsequently providing access to information contained within the environment directly to said Internet browser. *Specification*, e.g., at p. 3, ll. 3-6, p. 3, ll. 26-27, p. 8, ll. 11-12, p. 8, ll. 16-18, p. 9, ll. 3-6, p. 9, ll. 22-29, and p. 11, l. 23.

The presently claimed subject matter of independent claim 124 relates to a system for remote access of environments. *Specification*, e.g., at p. 1, ll. 4-5; and *Drawings*, e.g., Fig. 1, elements 15 and 26. The system includes an Internet browser. *Specification*, e.g., at p. 7, ll. 15-18; and *Drawings*, e.g., Fig. 1, element 15. The system further includes a network located external to said environments and accessible via said Internet browser. *Specification*, e.g., at p. 7, l. 24 – p. 8, l. 7, p. 8, ll. 13-15, and p. 9, ll. 3-6; and *Drawings*, e.g., Fig. 1, elements 15, 17, and 26. The system further includes a plurality of connection gateways, each of said environments having located therein a different one or more of said connection gateways. *Specification*, e.g., Abstract and at p. 9, ll. 7-29; and *Drawings*, e.g., Fig. 1, elements 22 and 26. The system further includes at least one communications server located in said network and adapted to interconnect on-demand with said connection gateways. *Specification*, e.g., at p. 2, l. 32 – p. 3, l. 7; and *Drawings*, e.g., Fig. 1, elements 21 and 22. Responsive to accessing a predetermined address by said Internet browser on said network, in which accessing said Internet browser provides authorization data, one of said at least one communications server subsequently determines which one of said environments said authorization data indicates authority to access. *Specification*, e.g., Abstract and at p. 3, ll. 4-6, p. 3, ll. 14-15, p. 8, ll. 11-12, p. 9, ll. 7-9, p. 9, ll. 17-24, p. 9, ll. 28-29, and p. 12, ll. 20-21; and *Drawings*, e.g., Fig. 1, elements 14, 18, 19, 21, and 26. Responsive to the accessing of the predetermined address by said Internet browser on said network, in which accessing said Internet browser provides authorization data, the one of said at least one communications server subsequently also creates a new communications session between said communications server and one of said connection gateways, which is located in said

environment, to control or monitor operation of at least one service in said environment, with said connection gateway subsequently providing access to information contained within the environment directly to said Internet browser. *Specification*, e.g., at p. 3, ll. 3-6, p. 3, ll. 26-27, p. 8, ll. 11-12, p. 8, ll. 16-18, p. 9, ll. 3-6, p. 9, ll. 22-29, and p. 11, l. 23.

**6. GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL**

A. Whether claims 59 to 61, 63 to 120, 123, and 124, which stand rejected under 35 U.S.C. § 112, ¶ 1, comply with the written description requirement.

B. Whether claims 59, 64 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Vaio, Malkin, and Barnier references.

C. Whether claims 60, 61, 63, 75, 85, and 86, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Vaio, Malkin, Barnier, and Akatsu references.

D. Whether claims 69 to 71, 84, 107, 108, and 119, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Vaio, Malkin, Barnier, and Tolopka references.

E. Whether claim 72, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaio, Malkin, Barnier, and Woo references.

F. Whether claim 73, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaio, Malkin, Barnier, Krehnke, and Jones references.

G. Whether claim 74, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaio, Malkin, Barnier, and Krehnke references.

H. Whether claim 77, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaio, Malkin, Barnier, and Foster references.

I. Whether claims 82 and 90, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Vaio, Malkin, Barnier, and Nakamura references.

J. Whether claim 83, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaio, Malkin, Barnier, and Britt references.

K. Whether claim 87, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaio, Malkin, Barnier, and Lea references.

L. Whether claim 95, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Sadovnik references.

M. Whether claims 96 to 100, which stand rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Swartz references.

N. Whether claim 101, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Coile references.

O. Whether claim 103, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Bruck references.

P. Whether claim 106, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Koopman references.

Q. Whether claims 111, 115, and 116, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Vaios, Malkin, Barnier, and Argyroudis references.

R. Whether claim 118, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Kikinis references.

S. Whether claim 120, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios, Malkin, Barnier, and Venkatraman references.

T. Whether claim 124, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of the Vaios and Malkin references.

## **7. ARGUMENTS**

### **A. Rejection of claims 59 to 61, 63 to 120, 123, and 124 under 35 U.S.C. § 112, ¶ 1**

Claims 59 to 61, 63 to 120, 123, and 124 were rejected under 35 U.S.C. § 112, ¶ 1, as assertedly failing to comply with the written description requirement. It is respectfully submitted that the claims comply with the written description requirement, and that the rejection should be reversed, at least for the following reasons.

The Examiner asserts that the application as originally filed fails to describe the feature that “at least one communications server . . . determines which one of said environments said authorization data indicates authority to access,” as provided for in each of claims 59 and 124. Appellant disagrees.

In multiple locations, the Specification indicates that there are multiple gateways located in multiple environments. See Abstract; p. 3, ll. 4-6, and 14-15; and original claims 1 and 2.



The Specification further provides that the communications server connects to a predetermined one of the gateways. See Abstract; p. 3, ll. 4-6, and 14-15; and original claims 1 and 2. Thus, the Specification clearly indicates that a determination is made for selection of one of the gateway nodes. Indeed, the Specification further provides that a database 14 contains connection parameters in relation to the user premises. Specification, p. 8, ll. 11-12. Thus, the Specification indicates that the connection parameters depend on the particular premises with which the predetermined gateway is associated.

The Specification further provides that there is respective premises connection data for each user. Specification, p. 9, ll. 7-9. The Specification further provides that those records which are associated with the particular user to whom the login data corresponds are retrieved. Specification, p. 9, ll. 17-24. The Specification further provides that the establishment of the connection is based on such information and is with the user premises to which the retrieved records correspond. Specification, p. 9, ll. 28-29. Moreover, the Specification explicitly states that the connection profile of the particular retrieved records for the authenticated user includes the appropriate address of the relevant gateway for the relevant premises with which the user is associated. Specification, p. 12, ll. 20-21. The connection profile refers to the connection parameters contained within the database 14, used by the service node. Specification, p. 8, ll. 11-12, p. 8, ll. 16-18, p. 11, ll. 10-11, and p. 11, ll. 14-15. In the Advisory Action, the Examiner asserts that the connection profile merely contains an IP address which is used to program an endpoint gateway 22. Appellant disagrees. The Specification, at p. 11, ll. 8-15 clearly states that a connection profile is used in a process P2, initiated on service node 20, to establish a connection via communications server 21, where the connection profile is used to initiate a request to gateway 22. As to p. 12, ll. 20-23, the reference there to the end point gateway 22 being programmed with the IP address specified in the connection profile, one of ordinary skill in the art would understand that the connection profile is not used to program the gateway with an IP address, but rather indicates with which IP address the gateway is programmed so that the communications server can establish the connection to the correct IP address of the relevant gateway.

Moreover, the Specification provides that a respective URL is provided for a user for a respective premises, that respective authorization data is provided for the user to ensure authorization when accessing the URL, and that upon authorization, access is granted to the information of the URL by using the connection profile in the database 14 for

establishing a connection to the relevant premises associated with the input URL.

Specification, p., 8, ll. 9-18, p. 9, ll. 7-34.

Thus, one of ordinary skill in the art would understand that the Specification provides for different records associated with different users, where the different records correspond to different premises having respective gateways, and further that, based on the login information, the appropriate records associated with the user with whom the login information is associated are retrieved for obtaining the particular address or other identification of the gateway of the premises corresponding to the user and URL entered by the user. Thus, the Specification clearly provides support for the feature that the communications server determines which environment the authorization data indicates authority to access, by retrieving the particular records corresponding to the user which are in turn associated with particular ones of multiple environments.

The Specification therefore provides support for the feature of claims 59 and 124 that at least one communications server determines which one of said environments said authorization data indicates authority to access. Accordingly, the claims comply with the written description requirement.

Reversal of this rejection under 35 U.S.C. § 112, ¶ 1 is therefore requested.

**B. Rejection of Claims 59, 64 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123 Under 35 U.S.C. § 103(a)**

Claims 59, 64 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, and Barnier references. It is respectfully submitted that the combination of the Vaios, Malkin, and Barnier references does not render unpatentable any of the present claims, and that the rejection should be reversed, at least for the following reasons.

To reject a claim as obvious under 35 U.S.C. § 103, the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied.

First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed.

Cir. 1991). As clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1741.

Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986).

Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As explained herein, the Examiner has not satisfied these requirements as to all of the features of the claims.

**i. Claims 59, 64, 66 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123**

Claim 59 relates to a system for remote access of environments and provides for at least one communications server located in an extranet and that, responsive to an accessing by an Internet browser of a predetermined address of the extranet, determines which one of the environments authorization data, provided in the accessing of the predetermined address, indicates authority to access, and creates a new communications session between the communications server and a connection gateway of the determined environment.

The Examiner admits that the Vaio reference does not disclose this feature, and instead refers to the combination of the Malkin and Barnier references as assertedly disclosing this feature. Specifically, the Examiner refers to the Remote Access Server (RAS) 12 of the Malkin reference as assertedly disclosing the communications server of claim 59, to the gateway 22 as assertedly disclosing the connection gateway of claim 59, and to the Service Provider Network (SPN) 14 as assertedly disclosing the network of claim 59 in which the communications server is located. The Examiner acknowledges that the SPN 14 of the Malkin reference is not indicated to be an extranet, but asserts that it would have been obvious to modify the SPN 14 of the Malkin reference to be an extranet as disclosed in the Barnier reference.

Appellant disagrees. The entirety of system taught by the Malkin reference is provided for the purpose of allowing a node, which belongs to a local network and is

assigned an address of the local network, to maintain its local network address even after it has moved to a remote location, and still, while maintaining its local address, access other nodes of the local network.

In order to do so, the Malkin reference provides features to address the obvious problem that if only a local address of the particular remote node is used, the node cannot be distinguished from remote nodes of other networks when the particular remote node has moved to a remote location. To address this problem, the Malkin reference requires the remote node to dial into the RAS 12, so that the dial-in connection of the RAS 12 can then be used as a “care-of” address for distinguishing between nodes having the same local network addresses. In response to dialing in, the RAS 12 in turn sets up a tunnel between the RAS 12 and the gateway 22 to communicate with the remote node’s local network, i.e., its home network 18. When data is provided from the home network 18, the data is uniquely addressed using the open dial-in connection, which therefore identifies to the RAS 12 the particular remote node to which the data is to be delivered.

Thus, the Malkin reference requires the dial-in connection for proper routing of the data to the correct remote node. Otherwise, if the remote node’s address would be used instead of the “care-of” address of the dial-in connection, there would be collision between different data intended for different remote nodes, both of which have the same local network address. For example, there may be a situation where the home network for remote node A has an IP address range of 192.168.1.x, with remote node A having an address of 192.168.1.4, and exactly the same for a remote node B’s home network. Without the open dial-in connection into which to feed the data, data from each home network would be encapsulated from the gateway interface to the RAS interface, but after reaching the RAS interface, the decapsulated payload would then be routed via standard IP, and the fact that both interfaces have the same destination address would cause a collision.

In view of the foregoing, it is clear that the SPN 14 of the Malkin reference cannot be modified to include an extranet and access thereto, as provided for in the context of claim 59. Claim 59 refers to where the communications server creates the communications session in response to accessing a predetermined address on the extranet by an Internet browser, so that a dial-in connection does not disclose this feature of claim 59. For the Malkin reference to be modified to provide for these features of claim 59, the remote node of the Malkin reference would have to access the RAS 12 of the Malkin reference by accessing an address of the RAS 12 with an Internet browser. However, as demonstrated above, the

Malkin reference requires a dial-into the RAS 12 in order to distinguish, by the different open dial-in connections, between different remote nodes when decapsulating tunneled data.

Similarly, the Malkin reference could not provide for the remote node to access another node on an extranet via an Internet browser using an extranet address, and then for the extranet node to dial-into the RAS 12, because while the RAS 12 might be able to direct the data to the correct extranet node, the extranet node would have no way of distinguishing between different remote nodes that have connected to it, since the connection is not through dial-in, and the remote nodes have kept their local network addresses.

Moreover, as explained above, the reason for the set-up disclosed in the Malkin reference is entirely in order to allow a remote node to keep its local network address, in which case the dial-in connection is required, contrary to claim 59. The cited references provide no suggestion whatsoever to apply the set-up of the Malkin reference also to a case where a remote node uses a different address than its local network address of its home network.

Accordingly, the combination of the Vaios, Malkin, and Barnier references does not disclose or suggest at least one communications server located in an extranet and that, responsive to an accessing by an Internet browser of a predetermined address of the extranet, determines which one of the environments authorization data, provided in the accessing of the predetermined address, indicates authority to access, and creates a new communications session between the communications server and a connection gateway of the determined environment.

Moreover, the Examiner refers to the RAS 12 as assertedly disclosing the communications server of claim 59. However, the Malkin reference provides that TMS data 16 is used to select a gateway that is part of the same network as the RAS 12, contrary to claim 59, which provides that the communications server determines to which environment, including a gateway, to connect, where the environment is external to the extranet network of which the communications server is a part. That is, in contrast to claim 59, the Malkin reference does not provide for a communications server of one network to select a gateway of another network. Accordingly, even if the Vaios reference is modified to include features of the Malkin reference, the resulting system would still not disclose the features of claim 59.

In the Advisory Action, the Examiner asserts that the Malkin reference, at col. 5, l. 65 – col. 6, l. 3, indicates that the gateway 22 of the Malkin reference serves as the home agent and is therefore a router on a mobile node's home network, as is described generally in

the Malkin reference with respect to a home agent. However, in figure 1, the Malkin reference clearly shows that the gateway 22 belongs to the service provider network 14, and not the home network 18. Moreover, col. 5, ll. 6-11 of the Malkin reference clearly indicates that the gateway is a component external to the home network, that forwards data to the home network. The section cited by the Examiner in the Advisory Action generally defines terms of a Mobile IP protocol, and then indicates which components of the inventive Malkin system will “serve as” the defined components. While, a home agent is generally defined as a router on a mobile node’s home network, the Malkin reference merely indicates that the gateway of the invention can serve to perform the functions generally performed by such a home agent, but does not state that the gateway itself is on the home network. In fact, because the home agent is generally defined as a router which is on a home network, and the Malkin reference still describes the gateway as being separate from the home network, the Malkin reference teaches away from moving the gateway to the home network.

In the Advisory Action, the Examiner further argues that because a gateway connects two networks, the gateway can therefore be said to be part of both networks it connects. However, claim 59 requires that the gateway belong to an environment, to which an extranet is located externally. The Examiner relies on a modified version of the SPN 14 as assertedly disclosing the extranet which is located external to the environment. Therefore, a node cannot be part of both the extranet and the environment, at least because by definition in the claim, a component of the extranet must be external to the environment.

Similarly, the Advisory Action asserts that the term environment is broad and can be interpreted as encompassing the home network 18 plus the gateway 22. However, a network has defined characteristics, for example, including a network domain, addresses, and internal communication protocols. The gateway 22 is clearly part of the defined service provider network 14, which network (as modified by the Barnier reference) is relied upon by the Examiner as assertedly disclosing the extranet of claim 59. Thus, the gateway 22 is part of the network relied upon as assertedly disclosing the extranet of claim 59. However, claim 59 requires that the extranet be external to the environments. Therefore, the Examiner cannot arbitrarily drawn the environment to include the gateway 22, since gateway 22 is clearly also part of the SPN 14, which, according to claim 59, would have to be external to the environment if the SPN 14 is relied upon for disclosing the extranet.

For all of the foregoing reasons, the combination of the Vaios, Malkin, and Barnier references does not disclose or suggest all of the features of claim 59, and therefore

does not render unpatentable claim 59 or any of its dependent claims, e.g., claims 64, 66 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123.

Reversal of this obviousness rejection as applied to claims 59, 64, 66 to 68, 76, 78 to 81, 88, 89, 91 to 94, 102, 104, 105, 109, 110, 112 to 114, 117, and 123 is therefore requested.

**ii. Claim 65**

Claim 65 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59.

Moreover, claim 65 provides that authentication to access the extranet is required only once per Internet browser session. The Examiner refers to column 5, lines 47 to 50 of the Malkin reference as assertedly disclosing this feature. As an initial matter, the cited section of the Malkin reference merely states that a tunnel lifetime is maintained for the duration of the remote connection, but does not address whether authentication is required. Moreover, as noted above, the Malkin reference does not refer to an Internet browser session, but rather to a dial-in connection used for directing data to the remote node. Accordingly, the Malkin reference clearly does not disclose or suggest the features of claim 65. For this additional reason, the combination of the Vaios, Malkin, and Barnier references does not render unpatentable claim 65.

Reversal of this obviousness rejection as applied to claim 65 is therefore requested.

**C. Rejection of Claims 60, 61, 63, 75, 85, and 86 Under 35 U.S.C. § 103(a)**

Claims 60, 61, 63, 75, 85, and 86 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Akatsu references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Akatsu references does not render unpatentable any of the present claims, and that the rejection should be reversed, at least for the following reasons.

Claims 60, 61, 63, 75, 85, and 86 depend from claim 59 and are therefore allowable for at least the same reasons as claim 59, because the Akatsu reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claims 60, 61, 63, 75, 85, and 86 is therefore requested.

**D.      Rejection of Claims 69 to 71, 84, 107,**  
**108, and 119 Under 35 U.S.C. § 103(a)**

Claims 69 to 71, 84, 107, 108, and 119 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Tolopka references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Tolopka references does not render unpatentable any of the present claims, and that the rejection should be reversed, at least for the following reasons.

**i.      Claims 69 to 71 and 119**

Claims 69 to 71 and 119 depend from claim 59 and are therefore allowable for at least the same reasons as claim 59, because the Tolopka reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

As further regards claims 69 to 71, claim 69 provides that the Internet browser via which the predetermined address on the extranet is accessed runs on an access device that includes a smartcard reader and associated smartcard which provides authentication details and a URL that corresponds to the environment. While the Tolopka reference may refer generally to a smartcard reader, the combination of the Vaios, Malkin, Barnier, and Tolopka references does not disclose or suggest these features of claim 69. In this regard, as explained in detail above with respect to the patentability of claim 59, the combination of the Vaios, Malkin, and Barnier references, as suggested by the Examiner, for yielding a system including some of the features of claim 59 requires use of a dial-in connection from the remote node to an RAS 12 of the Malkin reference. Therefore, an Internet browser is not used for accessing a predetermined address on the extranet. Therefore, the cited references do not disclose or suggest an access device on which an Internet browser, as required by claim 59 (from which claim 69 depends), runs, let alone one that includes a smartcard reader and associated smartcard.

Moreover, while the Tolopka reference might generally refer to a smartcard that includes a URL, because a dial-in connection would be required by the system provided by the combination of the Vaios, Malkin, and Barnier references, one of ordinary skill in the art would not have modified the system of the combination of the Vaios, Malkin, and Barnier references to include a smartcard with a URL corresponding to the environment as provided for in claim 69.



For at least these additional reasons, the combination of the Vaios, Malkin, and Barnier references does not render unpatentable claim 69 or any of its dependent claims 70 and 71.

As further regards claim 119, claim 119 provides that the Internet browser runs on an access device which includes a smartcard reader and associated smartcard which provides authentication to access the predetermined address on the extranet, in order to create the connection to the environment. As explained above in support of the patentability of claim 71, the combination of the Vaios, Malkin, Barnier, and Tolopka references does not disclose or suggest such an access device or smartcard because the system provided by the combination of the Vaios, Malkin, and Barnier references, as explained above, requires a dial-in connection. For at least this additional reason, the combination of the Vaios, Malkin, Barnier, and Tolopka references does not disclose or suggest all of the features of claim 119, and therefore does not render unpatentable claim 119 for at least this additional reason.

Reversal of this obviousness rejection as applied to claims 69 to 71 and 119 is therefore requested.

**ii. Claims 84, 107, and 108**

Claims 84, 107, and 108 depend from claim 59 and are therefore allowable for at least the same reasons as claim 59, because the Tolopka reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection as applied to claims 84, 107, and 108 is therefore requested.

**E. Rejection of Claim 72 Under 35 U.S.C. § 103(a)**

Claim 72 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Woo references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Woo references does not render unpatentable claim 72, and that the rejection should be reversed, at least for the following reasons.

Claim 72 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Woo reference does not correct the critical deficiencies

of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 72 is therefore requested.

**F. Rejection of Claim 73 Under 35 U.S.C. § 103(a)**

Claim 73 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, Krehnke, and Jones references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, Krehnke, and Jones references does not render unpatentable claim 73, and that the rejection should be reversed, at least for the following reasons.

Claim 73 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Krehnke and Jones references do not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 73 is therefore requested.

**G. Rejection of Claim 74 Under 35 U.S.C. § 103(a)**

Claim 74 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Krehnke references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Krehnke references does not render unpatentable claim 74, and that the rejection should be reversed, at least for the following reasons.

Claim 74 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Krehnke reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 74 is therefore requested.

**H. Rejection of Claim 77 Under 35 U.S.C. § 103(a)**

Claim 77 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Foster references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Foster references does not render unpatentable claim 77, and that the rejection should be reversed, at least for the following reasons.

Claim 77 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Foster reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 77 is therefore requested.

**I. Rejection of Claims 82 and 90 Under 35 U.S.C. § 103(a)**

Claims 82 and 90 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Nakamura references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Nakamura references does not render unpatentable any of the present claims, and that the rejection should be reversed, at least for the following reasons.

Claims 82 and 90 depend from claim 59 and are therefore allowable for at least the same reasons as claim 59, because the Nakamura reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claims 82 and 90 is therefore requested.

**J. Rejection of Claim 83 Under 35 U.S.C. § 103(a)**

Claim 83 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Britt references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Britt references does not render unpatentable claim 83, and that the rejection should be reversed, at least for the following reasons.

Claim 83 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Britt reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claims 83 is therefore requested.

**K. Rejection of Claim 87 Under 35 U.S.C. § 103(a)**

Claim 87 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Lea references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Lea references does not render unpatentable claim 87, and that the rejection should be reversed, at least for the following reasons.

Claim 87 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Lea reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 87 is therefore requested.

**L. Rejection of Claim 95 Under 35 U.S.C. § 103(a)**

Claim 95 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Sadovnik references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Sadovnik references does not render unpatentable claim 95, and that the rejection should be reversed, at least for the following reasons.

Claim 95 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Sadovnik reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 95 is therefore requested.

**M. Rejection of Claims 96 to 100 Under 35 U.S.C. § 103(a)**

Claims 96 to 100 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Swartz references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Swartz references does not render unpatentable any of the present claims, and that the rejection should be reversed, at least for the following reasons.

Claims 96 to 100 depend from claim 59 and are therefore allowable for at least the same reasons as claim 59, because the Swartz reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claims 96 to 100 is therefore requested.

**N. Rejection of Claim 101 Under 35 U.S.C. § 103(a)**

Claim 101 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Coile references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Coile references does not render unpatentable claim 101, and that the rejection should be reversed, at least for the following reasons.

Claim 101 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Coile reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 101 is therefore requested.

**O. Rejection of Claim 103 Under 35 U.S.C. § 103(a)**

Claim 103 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Bruck references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Bruck references does not render unpatentable claim 103, and that the rejection should be reversed, at least for the following reasons.

Claim 103 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Bruck reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 103 is therefore requested.

**P. Rejection of Claim 106 Under 35 U.S.C. § 103(a)**

Claim 106 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Koopman references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Koopman references does not render unpatentable claim 106, and that the rejection should be reversed, at least for the following reasons.

Claim 106 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Koopman reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 106 is therefore requested.

**Q. Rejection of Claims 111, 115, and 116 Under 35 U.S.C. § 103(a)**

Claims 111, 115, 116 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Argyroudis references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Argyroudis references does not render unpatentable any of the present claims, and that the rejection should be reversed, at least for the following reasons.

Claims 111, 115, 116 depend from claim 59 and are therefore allowable for at least the same reasons as claim 59, because the Argyroudis reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claims 111, 115, 116 is therefore requested.

**R. Rejection of Claim 118 Under 35 U.S.C. § 103(a)**

Claim 118 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Kikinis references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Kikinis references does not render unpatentable claim 118, and that the rejection should be reversed, at least for the following reasons.

Claim 118 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Kikinis reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 118 is therefore requested.

**S. Rejection of Claim 120 Under 35 U.S.C. § 103(a)**

Claim 120 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios, Malkin, Barnier, and Venkatraman references. It is respectfully submitted that the combination of the Vaios, Malkin, Barnier, and Venkatraman references does not render unpatentable claim 120, and that the rejection should be reversed, at least for the following reasons.

Claim 120 depends from claim 59 and is therefore allowable for at least the same reasons as claim 59, because the Venkatraman reference does not correct the critical deficiencies of the combination of the Vaios, Malkin, and Barnier references, noted above in support of the patentability of claim 59.

Reversal of this obviousness rejection of claim 120 is therefore requested.

**T. Rejection of Claim 124 Under 35 U.S.C. § 103(a)**

Claim 124 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Vaios and Malkin references. It is respectfully submitted that the combination of the Vaios and Malkin references does not render unpatentable claim 124, and that the rejection should be reversed, at least for the following reasons.

Claim 124 relates to a system for remote access of environments and provides for at least one communications server located in an network and that, responsive to an accessing by an Internet browser of a predetermined address of the network, determines which one of the environments authorization data, provided in the accessing of the predetermined address, indicates authority to access, and creates a new communications session between the communications server and a connection gateway of the determined environment.

The Examiner admits that the Vaios reference does not disclose this feature, and instead refers to the Malkin reference as assertedly disclosing this feature. Specifically, the Examiner refers to the RAS 12 as assertedly disclosing the communications server of claim 124, to the gateway 22 as assertedly disclosing the connection gateway of claim 124, and to the Service Provider Network (SPN) 14 as assertedly disclosing the network of claim 124 in which the communications server is located.

However, as explained in further detail above in support of the patentability of claim 59, the entirety of system taught by the Malkin reference is provided for the purpose of allowing a node, which belongs to a local network and is assigned an address of the local network, to maintain its local network address even after it has moved to a remote location,

and still access other nodes of its local network. In order to do so, the Malkin reference requires a dial-in connection to the RAS 12 in order to address the obvious problem that if only the local address of the remote node is used, the node cannot be distinguished from remote nodes of other networks when the node has moved to a remote location. In the Malkin reference, when data is provided from the home network 18, the data is provided to the correct remote node using the open dial-in connection as a “care-of” address. Thus, the dial-in connection is necessary for proper routing of the data to the correct remote node. Otherwise, if the remote node’s address would be used instead, there can be collision between different data intended for different remote nodes, both of which have the same local network address, as explained further above in support of the patentability of claim 59.

Claim 124 refers to where the communications server creates the communications session *in response to accessing a predetermined address on the network by an Internet browser.* For the Malkin reference to be modified to provide for these features of claim 124, the remote node of the Malkin reference would have to access the RAS 12 of the Malkin reference by accessing an address of the RAS 12 with an Internet browser. However, as explained above, the Malkin reference requires a dial-into the RAS 12 in order to distinguish, by the different open dial-in connections, between different remote nodes when decapsulating tunneled data.

Moreover, as explained above, the reason for the set-up disclosed in the Malkin reference is *entirely in order to allow a remote node to keep its local network address,* in which case the *dial-in connection* is required, contrary to claim 124. The cited references provide no suggestion whatsoever to apply the set-up of the Malkin reference also to a case where a remote node uses a different address than its local network address of its home network.

Accordingly, the combination of the Vaios and Malkin references does not disclose or suggest at least one communications server located in a network and that, responsive to an accessing *by an Internet browser of a predetermined address of the network,* determines which one of the environments authorization data, provided in the accessing of the predetermined address, indicates authority to access, and creates a new communications session between the communications server and a connection gateway of the determined environment.

Moreover, claim 124 recites “a plurality of connection gateways, each of said environments [external to which a network including at least one communications server is



located] having located therein a different one of more of said connection gateways.” As explained above in support of the patentability of claim 59, the cited references do not disclose or suggest these features of a gateway located in an environment external to which the network is located.

For all of the foregoing reasons, the combination of the Vaio and Malkin references does not disclose or suggest all of the features of claim 124, and therefore does not render unpatentable claim 124.

Reversal of this obviousness rejection of claim 124 is therefore requested.

**8. CLAIMS APPENDIX**

A “Claims Appendix” is attached hereto and appears on the pages labeled “Claims Appendix.”

**9. EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellant in the appeal. An “Evidence Appendix” is nevertheless attached hereto.

**10. RELATED PROCEEDINGS APPENDIX**

As indicated above in Section 2, above, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellant or the assignee, PORTUS, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there are no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted. A “Related Proceedings Appendix” is nevertheless attached hereto.

**11. CONCLUSION**

For at least the reasons indicated above, Appellant respectfully submits that the art of record does not disclose or suggest the subject matter as recited in the claims of the above-identified application. Accordingly, it is respectfully submitted that the subject matter recited in the claims of the present application is new, non-obvious and useful.

**U.S. Pat. App. Ser. No. 09/868,417**  
**Attorney Docket No. 12143/1**  
**Appeal Brief**

In view of all of the foregoing, reversal of all of the rejections set forth in the Final Office Action dated April 9, 2009 is therefore respectfully requested.

Respectfully submitted,  
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Dated: May 10, 2010

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**CUSTOMER NO. 26646**

## **CLAIMS APPENDIX**

59. A system for remote access of environments comprising:  
an Internet browser;  
an extranet located external to said environments and accessible via said Internet browser;  
a plurality of connection gateways, each of said environments having located therein a different one or more of said connection gateways; and  
at least one communications server located in said extranet and adapted to interconnect on-demand with said connection gateways;  
wherein responsive to accessing a predetermined address by said Internet browser on said extranet, in which accessing said Internet browser provides authorization data, one of said at least one communications server subsequently:  
determines which one of said environments said authorization data indicates authority to access; and  
creates a new communications session between said communications server and one of said connection gateways, which is located in said environment, to control or monitor operation of at least one service in said environment, with said connection gateway subsequently providing access to information contained within the environment directly to said Internet browser.
60. A system as claimed in claim 59 wherein the connection gateway located in said environment is adapted to serve, in said communications session, a user interface for the control of the operation of the at least one service in accordance with operation instructions input via said Internet browser and the monitoring of the operation of the at least one service in said environment.
61. A system as claimed in claim 60 wherein said service includes monitoring and controlling one or more devices interconnected with said connection gateway.
63. A system as claimed in claim 61, wherein at least one of said devices is a monitoring device located within said environment.
64. A system as claimed in claim 59, wherein said communications server utilizes a telecommunications network to interconnect with said connection gateway.

65. A system as claimed in claim 59, wherein authentication to access said extranet is required only once per Internet browser session.

66. A system as claimed in claim 59, wherein said extranet is a private network overlaid on the Internet and said communications server is located within a local telephone call radius of the environment, thus providing lowest cost PSTN access from or to the environment.

67. A system as claimed in claim 59, wherein additional interface pages accessible via said browser are provided on said extranet for each user of said system, said pages adaptable to provide details of a current status of one of said environments which is associated with said user.

68. A system as claimed in claim 59, wherein said extranet provides a user premises e-mail facility, and automatically raises connection in a pre-programmed fashion to said connection gateway and transfers user e-mail to said connection gateway.

69. A system as claimed in claim 59, wherein said Internet browser runs on an Internet access device which includes a smartcard reader and associated user smartcard which provides authentication details and a URL corresponding to said environment.

70. A system as claimed in claim 69, wherein said smartcard also facilitates global access to the Internet for access of said extranet, and is adapted for additionally tracking connections for expenses.

71. A system as claimed in claim 69, wherein the Internet access device is a computer, WebPhone, Portable digital assistant, or mobile phone with web browsing capability.

72. A system as claimed in claim 59, wherein the connection gateway detects a fax and stores the fax.

73. A system as claimed in claim 59, wherein the connection gateway is in a tamper proof enclosure, and operates without main power.

74. A system as claimed in claim 59, wherein the connection gateway is tamper proof, and triggers an alarm and relays the alarm to the extranet in case of attempted tampering.

75. A system as claimed in claim 61, wherein the connection gateway acts as a hub and Internet connection mechanism for said interconnected devices including information appliances.

76. A system as claimed in claim 59, further comprising a control terminal interconnected to said connection gateway.

77. A system as claimed in claim 76, wherein the control terminal is equipped with biosensor, for access authentication of a local user in said environment to said connection gateway.

78. A system as claimed in claim 76, wherein the control terminal is connected to said connection gateway in a wireless manner.

79. A system as claimed in claim 78, wherein the control terminal is powered by rechargeable batteries, allowing the control terminal mobility within the range of wireless transmitters attached to said environment.

80. A system as claimed in claim 76, wherein the control terminal is of reduced handheld size, so that it can operate as a universal premises remote control.

81. A system as claimed in claim 76, wherein the control terminal includes a digital camera, microphone and speaker, and video conferencing software, thus allowing the control terminal to be used as a videophone, through a standard browser interface.

82. A system as claimed in claim 76, wherein the control terminal includes a personal computer (PC) equipped with a user premises network connection, wherein said PC runs a browser accessing a URL corresponding to said connection gateway.

83. A system as claimed in claim 76, wherein the control terminal is provided by a set top box connected to a television and running a web browser.

84. A system as claimed in claim 76, wherein said control terminal is equipped with a smartcard reader for e-commerce transactions over said extranet.

85. A system as claimed in claim 75, wherein at least one of said devices comprises a digital security camera embodying an image capture and compression method and an interconnection to said connection gateway.

86. A system as claimed in claim 85, wherein said camera includes motion detection and image significance algorithms which run in said camera, and a filter so that only detected motion input is compressed and sent through said connection gateway to said extranet.

87. A system as claimed in claim 59, wherein said connection gateway provides support for at least one of the HomePnP, Bluetooth, HomeRF, Hiperlan and HAVi standard for network communication and appliance control.

88. A system as claimed in claim 59, wherein said connection gateways form nodes of a distributed computing environment that may be allocated by said extranet on a demand basis.

89. A system as claimed in claim 59, the system providing information access across at least two networks, wherein:

said extranet is a first network having a first network access controller;

said environment is a second network having a second network access controller;

said system further comprises a user access browser located on said first network for locating and examining information on said first and second networks by means of network address locators; and

when a predetermined location on said first network is accessed, said first network access controller initiates an establishment of a network connection to said second network access controller so as to provide for a temporary interconnection of said first network to said second network, said system thereby providing a seamless access to information stored on said second network from said user access browser.

90. A system as claimed in claim 89, wherein said network address locators comprise Universal Resource Locators.

91. A system as claimed in claim 59 for monitoring an environment, said system further comprising:  
storage means forming part of said extranet; and  
a device activating a security condition upon the occurrence of a predetermined event;  
wherein, upon the occurrence of said predetermined event, said device notifies said connection gateway and transfers event information on said predetermined event to said connection gateway and said connection gateway establishes an interconnection with said communications server and transfers said event information via said communications server to said storage means for later interrogation by a user of said system and initiates predetermined alert notification actions.

92. A system as claimed in claim 91, wherein said device includes alert conditions which are forwarded to said connection gateway, wherein it is qualified with a pre-programmed enable, and if the result is TRUE, an event is generated, whereupon said connection gateway establishes a connection with said communications server.

93. A system as claimed in claim 92 wherein said device is a security sensor device, said system is a security system, said event is a security alarm event, and said data is surveillance data or security alert data.

94. A system as claimed in claim 93, wherein surveillance data related to said alarm event is uploaded to said extranet for secure storage accessible upon interrogation by a user.

95. A system as claimed in claim 92, wherein photos of authorized occupants of said environment are accessible from said extranet and are accessed upon said alarm event and cross referenced with said surveillance data to ascertain whether a true alarm condition has been raised.

96. A system as claimed in claim 92 wherein the connection gateway incorporates a user programmed phone call answer strategy, including delayed answer, and upon answering said phone call, optionally detects a voice call, in which case it records a compressed version of the voice call for later retrieval by the user, thus operating in answering machine mode.

97. A system as claimed in claim 96, wherein upon answering an incoming call, the connection gateway raise a connection to a communications server, and sends an indication to the user of said security system of the receipt of a recorded message.

98. A system as claimed in claim 92, wherein said connection gateway sends a recorded compressed voice messages to a communications server for storage on said extranet for forwarding to a user of said environment.

99. A system as claimed in claim 92, wherein:  
said environment is a home environment; and  
the connection gateway provides an indication of messages received on a HTML page accessible by a user of said home environment.

100. A system as claimed in claim 92, wherein said connection gateway is programmable to allow different response mechanisms to differing classes of alert event.

101. A system as claimed in claim 92, wherein said connection gateway contains connection details for preferred and secondary communications servers on said extranet, so that if a first communications server does not respond, other communications servers may be contacted until successful connection is achieved.

102. A system as claimed in claim 92, wherein user data storage on said extranet for storing event data associated with said environment is allocated virtually.

103. A system as claimed in claim 92, wherein said user data storage on said extranet is allocated redundantly, ensuring integrity of stored surveillance data.

104. A system as claimed in claim 92, wherein said extranet includes a user contact database which includes preferred contact methods, allowing automatic contact mechanisms to be associated with alarm condition, including use of e-mail, pager, computer generated voice message through telephone, requesting response, or after a specified timeout has elapsed, security action.

105. A system as claimed in claim 92, further comprising an external access control mechanism to said environment.

106. A system as claimed in claim 92, further comprising a reader for an RF tag embodied in keyfob or other device that is used for user authentication.

107. A system as claimed in claim 92, further comprising a smartcard reader that is used for user authentication.



108. A system as claimed in claim 107, wherein a smartcard includes a biosensor attached to a substrate of the smartcard and interconnected with a circuit embedded in the smartcard to authenticate the user before the smartcard will operate.

109. A system as claimed in claim 59, where said environment is a home environment.

110. A system as claimed in claim 59, where said environment is a commercial environment.

111. A system as claimed in claim 59, where said environment is an industrial environment.

112. A system as claimed in claim 59, wherein the at least one service includes a security monitoring service.

113. A system as claimed in claim 59, wherein the at least one service includes a video surveillance service.

114. A system as claimed in claim 59, wherein the at least one service includes an automation and control service.

115. A system as claimed in claim 59, wherein the at least one service includes a utility metering service.

116. A system as claimed in claim 59, wherein the at least one service includes an energy management service.

117. A system as claimed in claim 59, where the a least one service implements monitoring or control of a plurality of devices connected to at least one network interconnected with connection gateway.

118. A system as claimed in claim 59, where the Internet browser is on a mobile phone.

119. A system as claimed in claim 59, wherein the Internet browser runs on an Internet access device which includes a smartcard reader and associated user smartcard which provides authentication to access said predetermined address to create a connection to said environment.

120. A system as claimed in claim 91, wherein the connection gateway is embodied in a security camera.

123. A system as claimed in claim 59, wherein the environment is a network separate from the extranet and the connection gateway serves as an entrance from the environment to the extranet.

124. A system for remote access of environments comprising:  
an Internet browser;  
an network located external to said environments and accessible via said Internet browser;  
a plurality of connection gateways, each of said environments having located therein a different one or more of said connection gateways; and  
at least one communications server located in said network and adapted to interconnect on-demand with said connection gateways;  
wherein responsive to accessing a predetermined address by said Internet browser on said network, in which accessing said Internet browser provides authorization data, one of said at least one communications server subsequently:  
determines which one of said environments said authorization data indicates authority to access; and  
creates a new communications session between said communications server and one of said connection gateways, which is located in said environment, to control or monitor operation of at least one service in said environment, with said connection gateway subsequently providing access to information contained within the environment directly to said Internet browser.

### **EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellant in the appeal.

### **RELATED PROCEEDINGS APPENDIX**

As indicated above in Section 2 of this Appeal Brief, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellant or the assignee, PORTUS, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted.